IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUMMARY SUIT NO.2399 OF 2004

Vijay Shamrao Chachad. ...Plaintiff.
Vs.
Rajendra R. Gandhi. ...Defendant.

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Mr. D.N. Hungund for the Plaintiff.
None for the Defendant.

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CORAM :DR.D.Y.CHANDRACHUD, J.
19th June 2007.

P.C.:

By an order dated 25th October 2005 leave to defend the suit, instituted under Order 37 of the Code of Civil Procedure, 1908, was granted, conditional on a deposit of an amount of Rs.3 lakhs within a period of four weeks. The Defendant has failed to deposit the amount and a certificate of non-deposit dated 22nd May 2007 issued by the Master and Assistant Prothonotary, has been placed on the record.

The claim in the Summary Suit arises on account of moneys lent and advanced. Cheques issued by the Defendant were

dishonoured. The Defendant issued a confirmation of liability on 21st June 2003 in the amount of Rs.2,50,000/-. Counsel appearing on behalf of the Plaintiff has tendered a compilation of original documents on the basis of which the claim in the suit stands proved. Even otherwise, since the Defendant has failed to comply with the condition subject to which the leave to defend the suit was granted, the Plaintiff is entitled to a decree. The suit shall accordingly stand decreed as prayed with the modification that the Plaintiff will be entitled to interest at the rate of 12% per annum from the date of the suit until payment or realisation.

Refund of the Court fees, if any, as per rules.

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